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**WILDLIFE AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike K. McKell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill clarifies the nature of a license, permit, tag, certificate of registration, point, or credit issued to a person by the Division of Wildlife Resources.

**Highlighted Provisions:**

This bill:

- ▶ states that a license, permit, tag, or certificate of registration issued to a person by the Division of Wildlife Resources is a privilege, not a right;
- ▶ states that a point or credit issued to a person to improve the person's chances of receiving a hunting permit in a division-administered drawing:
  - may not be transferred, sold, or assigned to another person; and
  - is not a right; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**23-19-1**, as last amended by Laws of Utah 2013, Chapter 418



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **23-19-1** is amended to read:

30 **23-19-1. Possession of licenses, certificates of registration, permits, and tags**  
31 **required -- Nonassignability -- Exceptions -- Free fishing day -- Nature of licenses,**  
32 **permits, or tags issued by the division.**

33 (1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine  
34 protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the person:

35 (a) procures the necessary licenses, certificates of registration, permits, or tags required  
36 under this title, by rule made by the Wildlife Board under this title, or by an order or  
37 proclamation issued in accordance with a rule made by the Wildlife Board under this title; and

38 (b) carries in the person's possession while engaging in the activities described in  
39 Subsection (1) the license, certificate of registration, permit, or tag required under this title, by  
40 rule made by the Wildlife Board under this title, or by an order or proclamation issued in  
41 accordance with a rule made by the Wildlife Board under this title.

42 (2) Except as provided in Subsection (3) a person may not:

43 (a) lend, transfer, sell, give, or assign:

44 (i) a license, certificate of registration, permit, or tag belonging to the person; or

45 (ii) a right granted by a license, certificate of registration, permit, or tag; or

46 (b) use or attempt to use a license, certificate of registration, permit, or tag of another  
47 person.

48 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
49 Wildlife Board may, by rule, make exceptions to the prohibitions described in Subsection (2)  
50 to:

51 (a) transport wildlife;

52 (b) allow a person to take protected wildlife for another person if:

53 (i) the person possessing the license, certificate of registration, permit, or tag has a  
54 permanent physical impairment due to a congenital or acquired injury or disease; and

55 (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a  
56 disability that renders the person physically unable to use a legal hunting weapon or fishing  
57 device;

58 (c) allow a resident minor under 18 years of age to use the resident or nonresident

59 hunting permit of another person if:

60 (i) the resident minor is:

61 (A) the permit holder's child, stepchild, grandchild, or legal ward, if the permit holder's  
62 guardianship of the legal ward is based solely on the minor's age; or

63 (B) suffering from a life threatening medical condition; and

64 (ii) the permit holder:

65 (A) receives no form of compensation or remuneration for allowing the minor to use  
66 the permit;

67 (B) obtains the division's prior written approval to allow the minor to use the permit;  
68 and

69 (C) accompanies the minor, for the purposes of advising and assisting during the hunt,  
70 at a distance where the permit holder can communicate with the minor, in person, by voice or  
71 visual signals; or

72 (d) subject to the requirements of Subsection (4), transfer to another person a certificate  
73 of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in  
74 connection with the sale or transfer of the brine shrimp harvest operation or harvesting  
75 equipment.

76 (4) A person may transfer a certificate of registration to harvest brine shrimp and brine  
77 shrimp eggs if:

78 (a) the person submits to the division an application to transfer the certificate on a form  
79 provided by the division;

80 (b) the proposed transferee meets all requirements necessary to obtain an original  
81 certificate of registration; and

82 (c) the division approves the transfer of the certificate.

83 (5) A person is not required to obtain a license, certificate of registration, permit, or tag  
84 to:

85 (a) fish on a free fishing day that the Wildlife Board may establish each year by rule  
86 made by the Wildlife Board under this title or by an order or proclamation issued in accordance  
87 with a rule made by the Wildlife Board under this title;

88 (b) fish at a private fish pond operated in accordance with Section 23-15-10; or

89 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to

90 propagate, keep, and release for shooting in accordance with a certificate of registration issued  
91 under Section [23-17-6](#).

92 (6) (a) A license, permit, tag, or certificate of registration issued under this title, or the  
93 rules of the Wildlife Board issued pursuant to authority granted by this title, to take protected  
94 wildlife is:

95 (i) a privilege; and

96 (ii) not a right or property for any purpose.

97 (b) A point or other form of credit issued to, or accumulated by, a person under  
98 procedures established by the Wildlife Board in rule to improve the likelihood of obtaining a  
99 hunting permit in a division-administered drawing:

100 (i) may not be transferred, sold, or assigned to another person; and

101 (ii) is not a right or property for any purpose.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**